

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Calabi et al.

Examiner: Yelena G. GAKH

Serial No.: 10/591,965

Art Unit: 1797

Filing Date: September 7, 2006

Confirmation No.: 4955

For: Method For The In Vitro Determination Of Cellular Uptake Of Exogenous And Endogenous Substances Using NMR Shift Agents And The Magic Angle NMR Technique

This correspondence is being Electronically Filed Using the EFS-WEB Electronic Filing System of the United States Patent and Trademark Office on: **September 21, 2010.**

- 1) Transmittal: 2pp;
- 2) IDS transmittal: 3pp;
- 3) Form PTO/sB/08A: 4pp; and
- 4) 5 cited references.

Mail Stop IDS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§§ 1.56, 1.97 AND 1.98

Dear Sir:

This Supplemental Information Disclosure Statement is being submitted in response to citations referenced in Applicants' *Response to FINAL Office Action*, filed electronically with the USPTO on September 16, 2010. The *Response* identified several references which the Examiner suggested should be properly cited in an Information Disclosure Statement. In compliance with 37 CFR § 1.98, the references are identified on Form PTO/SB/08A, a copy of which is being concurrently browsed with this immediate "statement".

It is respectfully requested that this Information Disclosure Statement and the references identified on Form PTO/SB/08A be considered during the pendency of the prosecution of the instant application pursuant to 37 C.F.R. §§§ 1.56, 1.98 and 1.97(b)(g) and (h):

☒ (b)

An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

☐ (1)

within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d)

- ☐ (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application
- ☐ (3) before the mailing of a first Office action on the merits; or
- ☒ (4) before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ (c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of
- ☐ (1) the statement specified in paragraph (c) of this section; or
- ☐ (2) the fee set forth in § 1.17(p).
- ☐ (d) an information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:
- ☐ (1) the statement specified in paragraph (c) of this section; and
- ☐ (2) the fee set forth in § 1.17(p).
- ☐ (e) a statement under this section must state either:
- ☐ (1) that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ (2) that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.
- ☒ (g) An information disclosure statement filed in accordance with section shall not be construed as a representation that a search has been made
- ☒ (h) The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

Applicants further request that:

1. The references identified on Form PTO/SB/08A be made of record therein and appear among the "References Cited" on any patent to issue therefrom; and
2. The Form PTO/SB/08A be appropriately initialed by the Examiner, and a copy of same be returned to Applicants' attorney.

Under 37 CFR § 1.17(p), the fee of \$180.00 is not believed to be due with the filing of this Information Disclosure Statement as it is not being filed under 37 C.F.R. § 1.97(c) or (d). However, if any fees are deemed necessary, the Director is hereby authorized to charge such fees to Deposit Account No. 50-2168.

Early and favorable action is hereby requested.

Respectfully submitted,

September 21, 2010

Date

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